

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
HUNTINGTON DIVISION**

**WEST VIRGINIA HIGHLANDS
CONSERVANCY, INC., et al.,**

Plaintiffs,

v.

CIVIL ACTION NO. 3:11-CV-0115

ERP ENVIRONMENTAL FUND, INC., et al.,


Defendants.

**EMERGENCY MOTION FOR ORDER TO SHOW CAUSE WHY THE
RECEIVERSHIP ESTATE OF ERP ENVIRONMENTAL FUND, INC.,
ACTING BY AND THROUGH DOSS SPECIAL RECEIVER, LLC,
SHOULD NOT BE HELD IN CIVIL CONTEMPT AND FOR ISSUANCE OF
AN EMERGENCY ORDER PRESERVING THE STATUS QUO**

For the reasons explained in the accompanying memorandum, Plaintiffs respectfully request that the Court issue an Order to Show Cause requiring the Receivership Estate of ERP Environmental Fund, Inc., acting by and through Doss Special Receiver, LLC, to show why it should not be found in civil contempt as a result of violations of the October 17, 2016 Second Modified Consent Decree in Civil Action No. 3:11-cv-115. CM/ECF #105. And because further action will occur today, August 25, 2022, that will enable imminent surface mining—with the attendant bulldozing and blasting—at a currently forested 450-acre site in violation of the Second Modified Consent Decree, Plaintiffs seek an Emergency Order preserving the status quo.

DATED: August 25, 2022

Respectfully submitted,



ELIZABETH A. BOWER (WVBN 13589)
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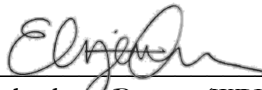
Defendants.

CERTIFICATE OF SERVICE

I, Elizabeth Bower, do hereby certify that on August 25, 2022, I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF filing system, which will notify the following participants:

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Elizabeth A. Bower (WVBN 13589)